

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

YADA SMITH, Plaintiff,	§ § §
v.	§ Civil Action No. 3:18-CV-2065-G(BH) §
WILMINGTON SAVINGS FUND SOCIETY FSB, as Trustee for STANWICH MORTGAGE LOAN TRUST, et al., Defendants.	§ § § § § Referred to U.S. Magistrate Judge <sup>1</sup>

**ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The application for leave to proceed *in forma pauperis* on appeal is DENIED because the court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the court incorporates by reference the magistrate judge's findings, conclusions and recommendation filed in this case on June 14, 2019 (docket entry 32). Based on that filing, this court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has certified that the appeal is not taken in

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<sup>1</sup>By *Special Order No. 3-251*, this *pro se* case has been automatically referred for full case management, including the determination of non-dispositive motions and issuance of findings of fact and recommendations on dispositive motions. By *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are also automatically referred.

good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

**SO ORDERED.**

July 18, 2019.

  
A. JOE FISH  
Senior United States District Judge